

**MINUTES
OF THE REGULAR MEETING OF THE
EDINA CITY COUNCIL
HELD AT CITY HALL
DECEMBER 7, 1998 - 7:00 P.M.**

ROLLCALL Answering rollcall were Members Faust, Hovland, Kelly, Maetzold and Mayor Smith.

CONSENT AGENDA ITEMS APPROVED Motion made by Member Maetzold and seconded by Member Hovland for approval of the Consent Agenda as presented with the exception of I. Approval of the Regular Meeting Minutes of November 16, 1998, and IV.D. Resolution approving and authorizing execution of Landscape Agreement with Mn/DOT.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

PRESENTATION BY REPRESENTATIVES OF SOUTHDAL Y John Lonsbury, 6716 Southdale Road, Member of the Board of Management of the Southdale Y, noted the Y's mission is: *"To develop the total person - spirit, mind and body - through character development programs that build strong kids, strong families and strong communities."* Mr. Lonsbury introduced Kathy Harley and Ann Linquist, from the "Y" who work with Community Programming and Fitness.

RESOLUTION OF APPRECIATION PRESENTED TO RETIRING LIQUOR STORE MANAGER CHUCK PETERSON Mayor Smith thanked the retiring Liquor Store Manager Chuck Peterson for his 39 ½ years of service and acknowledged his extraordinary dedication, loyalty and commitment to the City.

MINUTES OF THE REGULAR MEETING OF NOVEMBER 16, 1998, APPROVED AS AMENDED Member Faust removed the Minutes of the November 16, 1998, Regular Council Meeting to add comments not normally included in the minute transcription. Member Hovland asked for further clarification on Agenda Item IV.D., Resolution approving and authorizing execution of Landscape Agreement with Mn/DOT.

Member Hovland made a motion approving the Minutes of the Regular Meeting of December 7, 1998, as changed. Member Maetzold seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

VACATION OF PORTION OF UTILITY EASEMENT APPROVED - LOT 1, BLOCK 1, LYLE 2ND ADDITION, 5809 TRACY AVENUE (JOHN M. LOHMANN) Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman explained the property owner at 5809 Tracy Avenue requested the City vacate a portion of drainage and utility easement at 5809 Tracy because a corner of the home is encroaching in the easement. Engineer Hoffman stated that the City of Edina, NSP, Minnegasco, USWest and Paragon Cable do not have any facilities located in the requested area. Staff recommends granting the requested vacation.

Mayor Smith asked for Council comment. No comments were heard.

Member Maetzold introduced the following resolution and moved its approval:

**RESOLUTION VACATING PORTION
OF UTILITY AND DRAINAGE EASEMENT**

WHEREAS, a motion of the City Council, on the 2nd day of November, 1998, fixed a date for a public hearing on a proposed vacation of a portion of the utilities and drainage easement;

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held December 7, 1998, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following portion of the utility and drainage easement is hereby vacated effective as of December 7, 1998:

That part of the sewer easement located in Lot 1, Block 1, Lyle 2nd Addition, Hennepin County, Minnesota, described as the Southerly 3.8 feet of the Northerly 20 feet of the Easterly 28 feet of the Westerly 57.4 feet of said Lot 1.

BE IT FURTHER RESOLVED that said vacation does not affect, and there are continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

The authority of Northern States Power Company, USWest Communications, Paragon Cable Minnesota, or Minnegasco to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground conduit, manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851.

Adopted this 7th day of December, 1998. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith
Resolution adopted.

VACATION OF UTILITY EASEMENT APPROVED - LOTS 4 AND 5, MIRROR OAKS, 5013 AND 5017 OAK BEND LANE (JAMES AND MARY FREY) Affidavits of Notice were presented, approved and ordered placed on file.

Presentation by Engineer

Engineer Hoffman noted the proponent has purchased two lots with the intent of building a home over the existing property line. This would necessitate vacating the side yard utility and drainage easements. Staff recommends granting the requested vacation.

Mayor Smith asked for Council comment. No comments were heard.

Member Maetzold introduced the following resolution and moved its approval:

**RESOLUTION VACATING DRAINAGE
AND UTILITY EASEMENT**

WHEREAS, a motion of the City Council, on the 2nd day of November, 1998, fixed a date for a public hearing on a proposed vacation of a portion of the utilities and drainage easement;

WHEREAS, two weeks published and posted notice of said hearing was given and the hearing was held December 7, 1998, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, the Council deems it to be in the best interest of the City and of the public that said vacation be made; and

WHEREAS, the Council considered the extent the vacation affects existing easements within the area of the vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation to continue maintaining the same, or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove or otherwise attend thereto;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Edina, Hennepin County, Minnesota, that the following utility and drainage easements are hereby vacated effective as of December 7, 1998:

Those particular 5.00 foot wide drainage and utility easements adjoining the common lot line between Lots 4 and 5, Block 1, MIRROR OAKS, according to the recorded plat thereof, which lie westerly of the easterly 10.00 feet of said Lot 5 and lying southerly of a line 10.00 feet southerly of, measured radially from the right of way of OAK BEND LANE as dedicated on said plat.

BE IT FURTHER RESOLVED that said vacation does not affect, and there are continued, reserved, and retained, by the said resolution ordering the vacation, the following existing easements and authority in, on and under the above vacated area:

The authority of Northern States Power Company, USWest Communications, Paragon Cable Minnesota, or Minnegasco to enter upon the above vacated area for the maintenance, replacement, repair and removal of and for otherwise attending to, underground conduit,

manholes, cables, wires and poles required for utility service now in, on or under the above vacated area.

BE IT FURTHER RESOLVED, that the City Clerk is authorized and directed to cause a notice of completion of proceedings to be prepared, entered in the transfer record of the County Auditor, and filed with the County Recorder, in accordance with Minnesota Statutes, Section 412.851

Adopted this 7th day of December, 1998. Member Faust seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

***BID AWARDED FOR DREDGING OF POND AT BRAEMAR GOLF COURSE** Motion made by Member Maetzold and seconded by Member Hovland for award of bid for dredging of the pond at Braemar Golf Course to recommended low bidder, Dave Perkins Contracting at \$16,875.00.

Motion carried on rollcall vote - five ayes.

***1999 PUBLIC HEALTH NURSING SERVICE CONTRACT AWARDED** Motion made by Member Maetzold and seconded by Member Kelly awarding the contract for Public Health Nursing Services to the Bloomington Division of Public Health for \$157,286.00 for 1999.

Motion carried on rollcall vote - five ayes.

***RESOLUTION SETTING HEARING DATE OF JANUARY 4, 1999. FOR VACATION OF PORTION OF WEST 41ST STREET (4023 LYNN AVENUE SOUTH)** Motion made by Member Maetzold and seconded by Member Kelly approving the following resolution:

RESOLUTION CALLING FOR

**PUBLIC HEARING ON VACATION OF PORTION OF
WEST 41ST STREET - 4023 LYNN AVENUE SOUTH**

BE IT RESOLVED by the City Council of the City of Edina as follows:

1. It is hereby found and determined that the following described property should be considered for vacation in accordance with the provisions of Minnesota Statutes, Section 160.29 and 462.348. Subd. 7:
The northerly thirty(30) feet of the unimproved portion of west 41st Street as platted in Minikahda Vista Third Addition, Morningside, Minnesota, adjacent to Lot 13, Block 2, Minikahda Vista Third Addition, Morningside, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.
2. This Council shall meet at 7:00 P.M. on the 4th day of January, 1999, for the purpose of holding a public hearing on whether such vacation shall be made in the interest of the public.
3. The City Clerk is authorized and directed to cause notice of said hearing to be published once a week for two weeks in the Edina Sun-Current, the official newspaper of the City, to post such notice, in at least three public and conspicuous places, as provided in Minnesota Statutes. Such notice shall be in substantially the following form:

(Official Publication)
CITY OF EDINA
4801 WEST 50TH STREET
EDINA, MINNESOTA 55424
NOTICE OF PUBLIC HEARING ON
VACATION OF PORTION OF WEST 41ST STREET -
4023 LYNN AVENUE SOUTH
IN THE CITY OF EDINA
HENNEPIN COUNTY, MINNESOTA

NOTICE IS HEREBY GIVEN that the City Council of the City of Edina, Minnesota will meet on January 4, 1999, in the Council Chambers at 4801 West 50th Street for a public hearing for the proposed vacation of the following public street:

The northerly thirty(30) feet of the unimproved portion of west 41st Street as platted in Minikahda Vista Third Addition, Morningside, Minnesota, adjacent to Lot 13, Block 2, Minikahda Vista Third Addition, Morningside, Minnesota, according to the plat thereof on file or of record in the office of the Registrar of Titles, Hennepin County, Minnesota.

All persons who desire to be heard with respect to the question of whether or not the above proposed street vacation is in the public interest and shall be heard at said time and place. The Council shall consider the extent to which such proposed street vacation affects existing easements within the area of the proposed vacation and the extent to which the vacation affects the authority of any person, corporation, or municipality owning or controlling electric, telephone or cable television poles and lines, gas and sewer lines, or water pipes, mains, and hydrants on or under the area of the proposed vacation, to continue maintaining the same or to enter upon such easement area or portion thereof vacated to maintain, repair, replace, remove, or otherwise attend thereto, for the purpose of specifying, in any such vacation resolution, the extent to which any or all of such easement, and such authority to maintain, and to enter upon the area of the proposed vacation, shall continue.

BY ORDER OF THE EDINA CITY COUNCIL

Debra Mangen, City Clerk

Adopted this 7th day of December, 1998.

Motion carried on rollcall vote - five ayes.

*RESOLUTION APPROVING PUBLIC AUCTION OF TAX FORFEIT PROPERTY

Motion made by Member Maetzold and seconded by Member Kelly approving the following resolution:

RESOLUTION

WHEREAS, the City Council of the City of Edina has received from the County of Hennepin a list of lands in said municipality which became the property of the State of Minnesota for non-payment of property taxes, which said list was dated November 20, 1998, Conservation/Non-Conservation Classification List 1064-C/NC.

WHEREAS, the parcel in said list identified as PIN No. 28-117-21-31-0041 has heretofore been classified by the Board of County Commissioners of Hennepin County, Minnesota, as non-conservation land the sale thereof and has heretofore been authorized by said Board of County Commissioners; and

WHEREAS, it has been determined by the Edina City Council that there are no existing or pending special assessments on said parcel; and

WHEREAS, it has been determined by the Edina City Council that said parcel need not be withheld from sale pursuant to M.S. 85.012, M.S. 92.461; M.S. 282.01, Subd. 8; M.S. 282.018, Subd. 1, or M.S. 282.018, Subd. 2;

NOW, THEREFORE, be it resolved by the Edina City Council that the said classification is hereby approved.

BE IT FURTHER RESOLVED by the Edina City Council that, acting pursuant to Minnesota Statutes 282.01, Subd. 7a, it has determined that said parcel of land is not buildable according to the City's Zoning Ordinance and that sale of said parcel be limited to the adjacent properties for attachment thereto.

Adopted this 7th day of December, 1998.

Motion carried on rollcall vote - five ayes.

RESOLUTION APPROVING LANDSCAPING AGREEMENT WITH MN/DOT

Member Hovland removed the approval of the landscaping agreement with Mn/Dot for further clarification. Park Director Keprios explained staff proposed the City approve the landscaping agreement along TH 62 at Tracy with Mn/DOT. The plan proposed to plant \$10,000 of plant materials. All plant materials will be placed on Mn/DOT property. As the plants mature, they will beautify the highway and create an attractive natural buffer between the residential homes and TH 62. Mn/DOT will assume all costs totaling \$10,000.00. An Edina resident and landscaper will plant and maintain the material at his expense. The City will not incur any costs with this project.

Member Hovland introduced the following resolution and moved approval:

RESOLUTION

IT IS RESOLVED that the City of Edina enter into Mn/DOT Agreement No. 78169 with the State of Minnesota, Department of Transportation for the following purposes:

To provide for payment by the State to the City for acquisition of landscape materials to be placed along Trunk Highway No. 62 from Tracy Avenue to 1/3 mile east of Tracy Avenue within the corporate City limits under State Project No. 2763-969A

IT IS FURTHER RESOLVED that the City Clerk is hereby authorized to execute the Agreement.

Adopted this 7th day of December, 1998. Member Kelly seconded the motion.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Resolution adopted.

***RESOLUTION SETTING HEARING DATE FOR DECEMBER 21, 1998, FOR WEST 77TH STREET IMPROVEMENT; FEASIBILITY REPORT RECEIVED (IMPROVEMENT NO. BA-318)** Motion made by Member Maetzold and seconded by Member Kelly approving the following resolution:

RESOLUTION

WHEREAS, the City Council received a petition from residents requesting improvements of West 77th Street east of Highway 10 to Parklawn Avenue and to include expanding of West 77th Street to a five lane section and adding a sidewalk on

the north side and referred it to the Engineering Department requesting a feasibility report; and

WHEREAS, the City Council received a petition from residents requesting the five lane section to include two through lanes in each direction and a center turn lane to allow for left turns; and

WHEREAS, the City Council received a petition from residents requesting additional project work to include traffic signals at Parklawn Avenue and Computer Avenue; and

WHEREAS, the City Council has set a public hearing date for the proposed improvements for December 21, 1998, at 7:00 P.M.

BE IT RESOLVED by the City Council that the feasibility reports received by them on December 7, 1998, will be considered at the previously called public hearing December 21, 1998, and the assessment of abutting property for all or a portion of the cost of said improvements shall be considered at that time.

Adopted this 7th day of December, 1998.

Ayes: Faust, Hovland, Kelly, Maetzold, Smith
Resolution adopted.

UPDATE GIVEN ON LIQUOR ORDINANCE Manager Hughes updated the Council on the Liquor Ordinance and explained staff has framed questions and issues for study. Findings with respect to the questions and issues will be discussed at a future meeting as well as alternatives for consideration and recommendations where appropriate. Following the Council's discussion and direction concerning the questions and issues, the Council will set a hearing date to receive testimony from prospective licensees and the public.

A study conducted by the City of Bloomington has recently been completed concerning the costs of enforcement and administration of liquor licenses and license fees. The study is timely and seems to be complete and copies were included in the Council packet.

Mayor Smith believes the public meeting should be held following the drafting of an ordinance. He informed the Council he received a call from Mike Kallas, Chamber of Commerce, with the tone of the conversation seeming like the process should be "hurried-up". Mayor Smith reiterated the Council wants to do a good job and it would be fine if hearings were held in late January or February.

QUESTIONS AND COMMENTS:

QUESTION 1: *State law permits the issuance of not more than 19 on-sale intoxicating liquor licenses in Edina. Does the Council wish to allow the issuance of all 19 licenses or does the Council wish to cap the number of available licenses at a lesser number?*

Member Hovland inquired what the pros and cons would be of fewer than 19 licenses.

Member Faust said it appears question 1 and 3 could be combined. She believes we should start with a conservative number of licenses and then expand the number to the limit set by the State.

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Member Maetzold believed staff should decide the appropriate number of licenses that would fit our type of community. His instinct feels it should be less than 19 – more like 12. He asked if a certain number of licenses should be set aside to encourage future development in the City such as a five star hotel.

Member Kelly said whether the criteria is met for licensing is more important than the number of licenses. The important thing is the ability to deny a license if an applicant does not meet the set criteria. He inquired whether limits on numbers of licensing for certain types of restaurants, e.g. sports bar/restaurants, could be a part of the ordinance. Attorney Gilligan said if the applicant meets ordinance criteria, the City must issue the license.

Member Kelly asked if 9 - 10 licenses are issued initially can we go back and license the others in the future.

Mayor Smith stated he is not a fan of this in the first place. He emphasized traffic is a concern of everyone and traffic will only grow with these type of businesses. He believes licensing preference should be given to present license holders of beer and wine, and the City's zoning seems to be an adequate means of control. He would limit the number of licensees to less than 10 to begin with. There are costs to recover and he does not want the residents to pay for someone having a liquor license. He asked for clarification if a tax could be collected on liquor sales. Manager Hughes said he believes Bloomington's liquor tax applies only to the Mall of America and deals with their port authority. Attorney Gilligan said it may deal with their convention trade and he would ask their City Attorney about this.

QUESTION 2: *The City currently has issued 16 on-sale wine licenses and eleven 3.2 beer licenses. Does the Council wish to give a "preference" to such licensees for new intoxicating liquor licenses?*

Member Kelly said the City should not categorically give preference to license holders to be re-licensed. He added he would not approve the issuance of a concentration of liquor establishments in one area.

Member Maetzold asked about the Interlachen and Edina Country Clubs and if they are included in the 16. Attorney Gilligan said no they are not included. They are club licenses. Member Faust asked if Braemar or Edinborough Park decide to serve hard liquor would they be included in the limited number. Manager Hughes said no they probably would not be included but staff would research this fact.

Member Hovland asked if an applicant meets all criteria for licensing, and an adequate number of licenses are available, would there be any reason to deny a license thereby alleviating discrimination between an existing beer and wine licensee and someone from the outside. Attorney Gilligan noted he would examine the fact if someone could be given a preference for licensing before someone not licensed can apply.

Member Kelly asked what if the number of licenses were limited, and if license holders were given preference for licensure, and more applications than the number allowed by

ordinance were received. Attorney Gilligan said that would need examination and may need to be on a first come/first served basis or handled via lottery. We could not discriminate between applicants if the criteria is met. Member Kelly asked if a certain number could be set for hotels or restaurants. Attorney Gilligan said that may be a possibility.

Member Maetzold inquired if there were more applicants than licenses available, could there be a bid process. Attorney Gilligan said fees for licensing need to be based on enforcement costs and could be higher because of the possibility of needed stricter enforcement.

Member Faust asked for a map of where the license holders are located within the City to be provided to the Council.

Member Hovland asked if all licenses allowed by ordinance were issued and the City was approached by a very desirable 5 star hotel expressing interest in locating in Edina, would the applicant be told they could have the next license that opened up or would the public need to know we are considering issuing one more license to allow anyone a chance to apply. Attorney Gilligan said he did not know the answer at this time. Member Hovland inquired if the fee could be different and if the method used could be related back to cost.

QUESTION 3: Restaurants are allowed in the following zoning districts: C-1,2,3 (commercial district, MDD (mixed development district), PRD-4,5, PSR-4 (residential districts) and POD (office district). Does the Council wish to permit the issuance of on-sale intoxicating liquor licenses in all of these districts or in only some of the districts?

QUESTION 4: What is the approximate cost of issuance, inspection and enforcement with respect to on-sale intoxicating liquor licenses? What should the City's fee schedule be for such licenses?

Member Hovland inquired whether the fees could relate directly to cost or whether other methods for establishing the fee could be considered.

QUESTION 5: The City Code requires that wine licensed restaurants receive at least 60 percent of revenues from the sale of food. Should this requirement be maintained or changed for on-sale intoxicating liquor licensees?

Council voiced no concerns or changes.

QUESTION 6: State law restricts liquor licenses in close proximity to schools. Does the Council wish to provide spacing requirements with respect to other uses?

Mayor Smith asked if proximity to day cares should be added to the proposed ordinance even though most are closed in the evening. Member Faust noted there are a number of day cares near Southdale, Cornelia and the Galleria also.

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QUESTION 7: *The City Code limits bar or service counter seating to not more than 15 percent of the seating capacity of a premises licensed to sell wine. Should this ratio be maintained for intoxicating liquor premises?*

The Council consensus was that this seems reasonable.

QUESTION 8: *Some cities require a minimum capital investment to qualify for an intoxicating liquor license. Does the Council wish to establish a minimum requirement?*

Member Kelly said the investment in establishing a restaurant is sizable and if a minimum were established by ordinance it would keep the riff - raff out. Attorney Gilligan noted some cities do require a minimum investment. Member Maetzold said establishing a minimum capital investment makes sense. Manager Hughes said the cities he is aware of have focused on a capital investment with a dollar amount. Member Maetzold suggested staff consider maximum leverage (debt equity) as another minimum requirement. Member Faust asked if a long established restaurant such as Tejas would be grandfathered in as their investment would be far less than a restaurant applying today. Manager Hughes commented the question is how to deal with existing restaurants.

QUESTION 9: *The City Code provides a rather stringent investigation process for wine license applicants. Does the Council believe that this process is adequate for intoxicating liquor license applications?*

Member Hovland commented staff has previously done the investigations for wine and beer and that method should be fine. Manager Hughes said no formal applications have been received. Members Faust and Maetzold commented the investigation process would be the responsibility of the Police Department. Member Kelly noted the process is fine the way it is. Mayor Smith said he believes a liquor license should be held not owned. Attorney Gilligan said there are some property rights in a year-to-year license and there could be some concern with cancellation of a license. Mayor Smith indicated staff really needs to make sure the license belongs to the City. Member Hovland asked if a license could be transferred to another restaurant owner.

QUESTION 10: *Should the City prohibit certain types of entertainment establishments from receiving an on-sale liquor license?*

Member Hovland said the question on the ballot said hotel and restaurants and it may need a closer definition of what that means. Member Maetzold asked if the 60% food requirement wouldn't be one determining factor. Member Kelly told there are a number of establishments, such as the Loring Café and the Dakota Bar and Grill that would be considered an adult "entertainment establishment". It would be too bad if the ordinance was so restrictive they were excluded.

QUESTION 11: *Are the present standards for serving wine, including the requirement for licensed wine managers, adequate for the service of intoxicating liquor?*

Mayor Smith asked if the City could give a seal of approval to businesses that: 1) the owners cooperate with the liquor training, 2) the owners take care of their staff, 3) restaurant staff is well trained and 4) staff is not afraid to ask for licenses or identification and 5) the owners/management cooperates with the City during the licensing process.

ADDITIONAL COUNCIL COMMENTS: Member Faust asked if preset rules have been set for revoking a license. Manager Hughes said a process of revocation has been discussed as well as a process for suspension.

Member Hovland referred to Question #4 and asked, 1) how will fees be determined when we have no experience, and 2) can fees be raised. Attorney Gilligan said there are no limit on fees provided they do not exceed costs of inspection and enforcement. If it is determined fees need to be raised, a public hearing must be held. Member Hovland asked if the City wants to be in the on-sale business. Mayor Smith said he would rather not, but he only has one vote. Member Faust asked for clarification at Braemar and Edinborough Park. Mayor Smith said he would not like to see a bar at Braemar, but if there were a private wedding reception that would be a policy issue. Council consensus was to consider handling liquor both ways at this point in the process. Manager Hughes said he was not sure this would require an ordinance change, but more like issuing a municipal license under a section of the ordinance that already exists. Mayor Smith said when you serve liquor in an establishment there are age restrictions and both Braemar and Edinborough are part of the City's park system. Manager Hughes said a difference exists where a party would be open to the public or a private reception.

Manager Hughes concluded the issue could be back on the Agenda January 4, 1998.

Member Kelly felt the Park Board should be asked for their thoughts on the ordinance as well as the staff at Braemar.

***RESOLUTION APPROVED AUTHORIZING EXECUTION OF AGREEMENT - CRIME PREVENTION GRANT WITH STATE OF MINNESOTA** Motion made by Member Maetzold and seconded by Member Kelly approving the following resolution:

**RESOLUTION AUTHORIZING
EXECUTION OF AGREEMENT**

BE IT RESOLVED that the City of Edina Police Department enter into a cooperative agreement with the Minnesota Department of Public Safety for the project entitled **COMMUNITY ORIENTED POLICING OVERTIME GRANTS PROGRAM** during the fiscal year from January 1, 1999, through December 31, 1999, and

WHEREAS, Police Chief William Bernhjelm is hereby authorized to execute such agreements and amendments as necessary to implement the project on behalf of the City of Edina Police Department.

Motion carried on rollcall vote - five ayes.

1999 PROPOSED FEES AND CHARGES DISCUSSED Finance Director Wallin presented the proposed fees and charges to be adopted by ordinance and resolution.

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Following a brief Council discussion the Council asked for the fees and charges to be examined more closely and to be back before the Council at the December 21, 1998, regular meeting.

CLAIMS PAID Motion made by Member Kelly approving payment of the following claims as shown in detail on the Check Register dated December 2, 1998, and consisting of 39 pages: General Fund \$235,262.65; C.D.B.G. \$35.00; Communications \$1,284.85; Working Capital \$9,671.71; Art Center \$24,373.03; Golf Dome Fund \$3,021.69; Swimming Pool Fund \$1,844.81; Golf Course Fund \$29,200.90; Ice Arena Fund \$18,731.50; Edinborough/Centennial Lakes \$14,723.97; Utility Fun \$57,890.64; Storm Sewer Utility Fund \$2,805.23; Liquor Dispensary Fund \$372,697.60; Construction Fund \$5,563.21; Park Bond Fund \$95,506.00; TOTAL \$872,612.79; and for confirmation of payment of the following claims as shown in detail on the Check Register dated December 4, 1998, and consisting of 2 pages: General Fund \$440,630.03; Liquor Dispensary Fund \$79,681.97; Construction Fund \$214.25; TOTAL \$520,526.25. Member Hovland seconded the motion.

Rollcall:

Ayes: Faust, Hovland, Kelly, Maetzold, Smith

Motion carried.

There being no further business on the Council Agenda, Mayor Smith declared the meeting adjourned at 8:50 P.M.

City Clerk